

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Howard D. Kelly

v.

Case No. 13-cv-107-SM


Warren Dowaliby et al.

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated June 3, 2013, for the reasons set forth therein. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

Plaintiff's Fourteenth Amendment claims asserted against Superintendent Dowaliby and Sheriff Dubois are hereby dismissed. Plaintiff's Fourteenth Amendment medical care claims against Nurse Practitioner Tracy Warren, and Medical Technicians Rebecca Eischen and Dawn Dow will go forward.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

Date: July 22, 2013

cc: Howard D. Kelly, pro se